HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.511 OF 2007

Between:

A.P.Bhoodan Yagna Board,
represented by its Secretary,
Hyderabad. . . .Appellant

AND

Sri Chama Narasimha Reddy and others. . . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri Sriharsha Reddy
for Shri S.Niranjan Reddy

Counsel for respondent Nos.1 and 2 : Shri Resu Mahender Reddy

Counsel for respondent Nos.5 to 9 : Shri K.Govardhan Reddy
for Shri C.R.Pratap Reddy

Counsel for respondent No.10 : Shri Y.Ashok Raj

Counsel for respondent Nos.12 & 16 : Shri A.Abhishek Reddy
for Shri A.Pulla Reddy

19th June, 2007

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Per G.S.SINGHVI, CJ

This appeal by A.P. Boodan Yagna Board (for short, 'the Board') is directed against order dated 17.11.2006 passed by the learned Single Judge in WPMP No.21750 of 2006 whereby he dismissed the application filed by the appellant under Rule 16-A of the Writ Rules for its impleadment as party to the proceedings of the writ petition filed by respondent Nos.1 and 2 for quashing order dated 22.12.2001 passed by Joint Collector, Ranga Reddy District.

In the writ petition filed by them, respondent Nos.1 and 2 herein have made the following substantive prayers:

a) Issue a writ of mandamus or any other appropriate writ or writs, order or orders setting aside the common order dated 22.12.2001 in File No.F1/6906/1996, F1/6915/1997, F1/7874/1997, F1/9079/1998 on the file of the first respondent i.e. the Joint Collector, Ranga Reddy District, which is consequent to the common orders dated 19.9.1997 passed by the second respondent i.e. the Revenue Divisional Officer, East Division, Ranga Reddy District in File Nos.J/2740/1994, J/5538/1994, J/3245/1994 and J/1398/1996 and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

b) Issue interim suspension suspending the impugned common order dated 22.12.2001 in file No.6906/1997, F1/6915/1997, F1/7864/1997 and F1/9079/1998 on the file of the 1st respondent viz., the Joint Collector, Ranga Reddy District, pending disposal of the W.P. No. of 2002.

In paragraphs 2 to 5 of the affidavit filed by him in support of the writ petition, Chama Pratap Reddy (respondent No.2 herein) averred as under:

2. I submit that the petitioners herein had filed the claim petition for grant of occupancy certificate under Section 5 of the A.P. Telangana Area Abolition of Inams Act, 1955 before the 2nd respondent i.e. the Revenue Divisional

Officer, East Division, Ranga Reddy District in respect of the land admeasuring Ac.1-26 gts. in Sy.No.210, Ac.12-64 gts. in Sy.No.211, Ac.1-07 gts. in Sy.No.212, Ac.1-08 gts. in Sy.No. 213, Ac.14-20 gts. in Sy.No.222, Ac.16-32 gts. in Sy.No.223, Ac.12-06 gts. in Sy.No.224 and Ac.0-18 gts. in Sy.No.225 together admeasuring Ac.68-37 gts. situated at Kuntloor Village, Hayathnagar Revenue Mandal, Ranga Reddy District. The application of the petitioners was received by the 2nd respondent and the same was registered as 2740/1994.

3. I submit that during the enquiry of application made by the petitioners herein before the 2nd respondent, the respondents 3 to 7 also filed a claim petition for issuance of occupancy certificate in respect of the above said land which was registered as J/5538/1996. Likewise, respondent No.8 also filed a claim petition for issuance of occupancy certificate in respect of the abovesaid ladn which was registered as J/3245/1994. Likewise, respondent No.9 had also filed a claim petition for issuance of occupancy certificate in respect of the above said land which was registered as J/1398/1996.

4. I submit that the 2nd respondent having received such claims from the petitioners herein along with respondents 3 to 9 had conducted enquiry and passed orders on 19.9.1997 granting occupancy certificate in favour of the respondents 3 to 7 herein. It is essential to submit that the 2nd respondent had passed such orders in favour of respondents 3 to 7 against the revenue record and relying upon the created report of the Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District, the 2nd respondent granted occupancy certificate in favour of the respondents 3 to 7 without following the procedure laid down under the Act and relied on a frivolous report which reads as “During the course of local enquiry it is reported by Mandal Revenue Officer, Hayathnagar Mandal, that the adjacent Pattadar stated that the claimant Sri Gaddam Mallesha S/o.Babaiah is cultivating the land. There is no reason to disbelieve the evidence produced by the sons of the tenant. Having regard to these facts and circumstances, the balance of convenience is in favour of the sons of late Gaddam Babaiah i.e. Gaddam Sailoo, Gaddam Somaiah and Gaddam Mallesha and others and that they are only entitled to get the occupancy rights certificate to the lands and I hold accordingly.”

Thus, the second respondent deliberately ignored the procedure and with the above observation granted occupancy certificate in favour of respondents 3 to 7. As a matter of fact, the provisions of Act and well settled law by the appellate courts it is very much clear that as the applicant shall be in occupation of the claimed and as on the crucial date 1-11-1973, but the 2nd respondent ignored the revenue record and other relevant elements to consider the case thereby granted certificate in favour of the respondents 3

to 7 with the above observation. The common orders dated 19.9.1997 passed by the 2nd respondent in all the applications bearing Nos.J/2740/1994 etc. of the petitioners and respondents 3 to 9 respectively are against the principles of natural justice.

5. I submit that in the above circumstances, the petitioners herein filed the appeal under Section 24 of the AP (TA) Abolition of Inams Act, 1955 before the 1st respondent which was registered as F1/6906/97. As against to the impugned common orders dated 19.9.1997 passed by the 2nd respondent, the respondent No.8 herein filed the Inam Appeal before the 1st respondent which was registered as F1/6915/97. Likewise, the respondent No.9 had also filed the Inam appeal before the 1st respondent which was also registered as F1/7864/1997.

That being so, to the utter surprise, another appeal was filed by respondent No.15 claiming the subject land as the government land in view of the surrender made by the original Inamdar in consequent to ceiling proceedings. Likewise, without any concern, or qualification the respondent Nos.16 to 21 filed the Inam appeal before the 2nd respondent, which was registered as F1/9079/1998. The respondent Nos.10 to 14 and the respondent No.15 had filed their respective implead petitions in the appeal filed by the petitioners herein which was numbered as F1/7906/97 on their self declared contentions. Thus, the first respondent conducted enquiry in the presence of the petitioners herein and the respondents 3 to 21 for a lengthy period and ultimately passed orders on 22.12.2001 making it as common order in all the Inam Appeals bearing Nos.F1/6906/97 etc. dismissing all the appeals thereby appreciating the common orders passed by the 2nd respondent dated 19.9.1997.

During the pendency of the writ petition, an application was filed on behalf of the appellant for its impleadment as party to the writ petition. Shri Keshavulu, Secretary of the Board, who filed affidavit in support of the application, averred that Shri Vakiti Pullaiah, who was the owner and pattedar of Ac.100-00 of land in Survey Nos.215 to 224 situated at Papaiguda, Kuntlur Revenue Village, Hayathnagar Mandal, Ranga Reddy District, donated the entire land by executing Danapatram (Relinquishment Deed) dated 23.1.1994 in favour of the Board in accordance with Rule 3 of “Shri Acharya Vinoba Bhave Sarvodaya Bhoo-Yagna, Hyderabad, Land Revenue Special Rules,

1951" and by virtue of the provisions contained in the Andhra Pradesh Bhoodan and Gramdan Act, 1965, the said land vests in the Board; that the Board is prepared to participate in "Rajeev Gruhakalpa Scheme" framed by the State Government; that an application was made to Deputy Collector-cum-Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District on 9.12.2005 for mutation of the land as "Kharij Khata Bhoodan"; that Writ Petition No.23913 of 2005 filed by the Board was disposed of by the learned Single Judge by directing Collector, Ranga Reddy District to pass appropriate order on the application after giving notice to the persons in possession and also to the persons whose names appear in the revenue records and that pursuant to the Court's direction, Joint Collector-II, Ranga Reddy District issued notice to the interested persons and that decision of the writ petition filed by respondent Nos.1 and 2 would affect the Board's rights and, therefore, it was entitled to be impleaded as party.

The learned Single Judge declined the appellant's prayer for impleadment as party by observing that it was not a party either before the preliminary authority or before the appellate authority, who had decided the case under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short, 'the 1973 Act'). The learned Single Judge noted that Vakiti Pullaiah, who is said to have donated the land, did not mention about the same in the proceedings arising under the 1973 Act and his wife did not disclose this fact before the authorities constituted under Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, and held that the appellant was not entitled to be impleaded as party to the writ petition.

Learned counsel for the appellant conceded that his client was not a party in the original or appellate proceedings held under the 1973 Act and no mention of the Dhanapatram was made by Vakiti Pullaiah. He, however, submitted that the Board should be allowed to

be impleaded as party because if the writ petition is allowed, the interest of the Board will be adversely affected.

We have considered the submissions of the learned counsel, but have not felt impressed. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the appellant's prayer for impleadment as party to the writ petition because it does not have any lis with the writ petitioners and result of the writ petition is not going to affect its right or interest. The appellant has not disputed that it was not a party to the original or appellate proceedings held under the 1973 Act. Therefore, we do not find any valid ground or justification to interfere with the discretion exercised by the learned Single Judge.

In the result, the appeal is dismissed.

G.S.SINGHVI, CJ

19th June, 2007

C.V.NAGARJUNA REDDY, J

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